

## **7 FAM 1300 APPENDIX J**

### **RELEASE OF INFORMATION FROM PASSPORT FILES**

*(CT:CON-551; 12-12-2014)*  
*(Office of Origin: CA/OCS/L)*

## **7 FAM 1310 APPENDIX J INTRODUCTION**

*(CT:CON-529; 09-16-2014)*

- a. This appendix provides policies and procedures for the release of information from passport files and for access to the main files and records of Passport Services in the Department of State, Bureau of Consular Affairs (CA/PPT). It also includes releases under legal process or pursuant to the Privacy Act (PA), 5 U.S.C. 552a, or the Freedom of Information Act, 5 U.S.C. 552.
- b. For the purposes of this appendix, "files and records of Passport Services" refers to paper records and electronic records--including photographs--from any CA/PPT automated system and information replicated through the American Citizens Services (ACS) system at U.S. embassies and consulates abroad (see System of Records Notice (SORN) State-26), including, but not limited to the:
  - (1) American Citizen Records Query (ACRQ);
  - (2) Consular Consolidated Database (CCD);
  - (3) Consular Lookout And Support System (CLASS);
  - (4) Enterprise Case Assessment Service (ECAS);
  - (5) Passport Issuance Electronic Record System (PIERS);
  - (6) Passport Lookout Tracking System (PLOTS); and
  - (7) Passport Record Imaging System Management (PRISM).
- c. CA/PPT files and records include:
  - (1) Records of passport applications:
    - (a) Application forms:
      - (i) Form DS-11, "Application for a U.S. Passport;"
      - (ii) Form DS-82, "U.S. Passport Renewal Application for Eligible Individuals;"

**UNCLASSIFIED (U)**

U.S. Department of State Foreign Affairs Manual Volume 9  
Visas

- (iii) Form DS-4085, "Application for Additional Visa Pages or Miscellaneous Passport Services;" and
- (iv) Form DS-5504, "Application for a U.S. Passport: Name Change, Data Correction, and Limited Passport Book Replacement."
- (b) Affidavits, statements, and questionnaires associated with passport applications:
  - (i) Form DS-10, "Birth Affidavit;"
  - (ii) Form DS-60, "Affidavit Regarding a Change of Name;"
  - (iii) Form DS-64, "Statement Regarding a Lost or Stolen Passport;"
  - (iv) Form DS-71, "Affidavit of Identifying Witness;"
  - (v) Form DS-86, "Statement of Non-Receipt of a Passport;"
  - (vi) Form DD-1056, "Authorization to Apply for a "No-Fee" Passport and/or Request for Visa;"
  - (vii) Form DS-1640, "Request for Passport Services;"
  - (viii) Form DS-3053, "Statement of Consent: Issuance of a Passport to a Minor Under Age 16;"
  - (ix) Form DS-5513, "Supplemental Questionnaire to Determine Entitlement for a U.S. Passport;"
  - (x) Form DS-5520, "Supplemental Questionnaire to Determine Identity for a U.S. Passport;"
  - (xi) Form DS-5523, "Questionnaire to Determine Eligibility for Diplomatic/Official U.S. Passports - U.S. Government Non-Personal Services Contractors;"
  - (xii) Form DS-5524, "Questionnaire to Determine Eligibility for Diplomatic/Official U.S. Passports - U.S. Government Personal Services Contractors Only;" and
  - (xiii) Form DS-5525, "Statement of Exigent/Special Family Circumstances for Issuance of a U.S. Passport to a Minor Under Age 16."
- (c) All other statements, documents, authorizations, worksheets, etc., including photocopies of the same, attached to the application in accordance with 7 FAM 1100, "Acquisition and Retention of U.S. Citizenship and Nationality," 7 FAM 1200, "Loss and Restoration of U.S. Citizenship," and 7 FAM 1300, "Passport Services."
- (2) Consular Records, including:
  - (a) Form FS-240, "Consular Report of the Birth Abroad of a Citizen of the United States of America" (CRBA);
  - (b) Form DS-2060, "Report of the Death of an American Citizen Abroad;"

**UNCLASSIFIED (U)**

U.S. Department of State Foreign Affairs Manual Volume 9  
Visas

and

(c) Form DS-2029, "Application for a Consular Report of Birth Abroad of a Citizen of the United States of America," and supporting documentation.

(3) Certificates of Witness to Marriage (see 7 FAM 1458);

(4) Form DS-4083, "Certificate of Loss of Nationality of the United States;"

(5) Applications for Registration as a Citizen of the United States of America; and

(6) Requests for Panama Canal Zone birth and death records.

**NOTE:** Requests for information in passport files that originated in another agency or office shall be transferred to that agency for a determination of releasability and direct response to the requester. It should not be released by CA/PPT.

d. See also 7 FAM 060 Privacy Act and ACS and 5 FAM 460 Privacy Act Requirements.

e. Authority for the Release of Records: Requests for passport records must be handled in accordance with the Privacy Act (PA) or, where applicable, the Freedom of Information Act (FOIA) and applicable court orders. The Department's regulations implementing the PA and the FOIA are located in 22 CFR 171.

f. The Department's regulations regarding production of documents in connection with litigation are located in 22 CFR 172. Records must not be released under Part 172 except with the concurrence of the Office of the Legal Adviser (L).

g. The Department interprets "citizen" as used in PA to include both U.S. citizens and non-citizen U.S. nationals.

## **7 FAM 1320 APPENDIX J RESPONSIBILITIES**

*(CT:CON-551; 12-12-2014)*

a. Passport specialists at passport agencies/centers and consular officers at overseas posts, hereinafter referred to as "you" unless otherwise specified, are not authorized to release passport files or information without specific authorization from the Passport Services' Office of Legal Affairs and Law Enforcement Liaison, Law Enforcement Liaison Division (CA/PPT/S/L/LE).

**NOTE:** You may verify a pending or previously issued passport record in ACRQ in conjunction with a pending passport application. (See guidance in 7 FAM Appendix 1300 I, "Verification of Passport Records.")

b. CA/PPT/S/L/LE's responsibilities include responding to requests for passport records from the general public, law enforcement (including the Office of

## UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 9  
Visas

Inspector General), and state and local agencies, made under the PA (5 U.S.C. 552a), or under the FOIA (5 U.S.C. 552). CA/PPT/S/L/LE responds for the Bureau of Consular Affairs (CA) to most requests that fall under the FOIA/PA, and coordinates as appropriate with the CA/PPT's Legal Affairs Division (CA/PPT/S/L/LA).

**NOTE:** There is only one office in CA authorized to release passport records and information. That is CA/PPT/S/L/LE. *All requests for passport records and information must be sent to the following dual address, both physical and P.O. box address, and the nine-digit zip code.*

U.S. Department of State  
Office of Legal Affairs  
(CA/PPT/S/L/LE)  
44132 Mercure Cir  
PO Box 1227  
Sterling, VA 20166-1227

- c. For purposes of this appendix, the Office of Technical Operation's (CA/PPT/S/TO) responsibilities include providing user access to PIERS and ACRQ.
  - (1) The Records Services Division (CA/PPT/S/TO/RS) is the official custodian of CA/PPT's records. This office serves as the directorate of passport records and is responsible for the safekeeping, maintenance, storage, retrieval, and certification of records.
  - (2) The Records Services Division, Vital Records Section (CA/PPT/S/TO/RS/DO/VR) responds to requests for replacement consular vital records, such as CRBAs, Consular Reports of Death, Certificates of Witness to Marriage, Canal Zone birth and death documents, etc., for purposes of establishing U.S. citizenship. CA/PPT/S/TO/RS/DO/VR is also responsible for amendment of CRBAs.

## 7 FAM 1330 APPENDIX J POLICY

(CT:CON-518; 06-06-2014)

- a. The information submitted by passport applicants is provided to the Department in confidence for the specific purpose of obtaining a passport. As a matter of policy, the Department accords passport records a high degree of protection. The Privacy Act of 1974 (PA) protects passport records. Passport records may not be released outside of the Department, even to another U.S. government agency, except as allowed by the PA.
- b. When an authorized user accesses a passport or consular record, she/he must not disclose its contents within the Department unless there is a need to know in the course of official business. The authorized user must have an official

**UNCLASSIFIED (U)**

reason for accessing anyone's passport information (see 7 FAM 1300 Appendix I, "Verification of Passport and Other U.S. Citizen Consular Records"). The fact that an authorized user knows someone, or that the individual's name is mentioned in the news, is not justification for her/him to search and view a passport record.

- c. Disclosures of an individual's passport records outside of the Department may be made only in accordance with one of the enumerated exceptions in Section (b) of the PA, including "routine uses" published in the Department of State Prefatory Statement of Routine Uses, the Passport Records System of Records Notice (State-26), or in some cases the Overseas Citizens Services System of Records Notice (State-05). These notices are available at the Department of State's Internet FOIA page.
- d. The PA provides that a government employee who knowingly and willfully discloses information contained in files, except as permitted by the PA, can be charged with a criminal violation and if found guilty be fined up to \$5,000.
- e. It is the policy of the Department not to disclose passport records to third parties in response to requests made under the FOIA without the written consent of the individual to whom the passport record pertains, which is consistent with the FOIA's personal privacy exemption (5 U.S.C. 552a(b)(6)).

## **7 FAM 1340 APPENDIX J GENERAL PROCEDURES**

*(CT:CON-518; 06-06-2014)*

- a. Notarized Written Requests Required: Unless otherwise specified in this appendix:

**NOTE:** CA/PPT/S/L/LE generally does not accept requests for passport information from the general public submitted by fax, telephone, or e-mail. Additional information on requirements, including applicable fees, can be found on CA/PPT's Internet webpage Obtain Copies of Passport Records.

- (1) First-party requests, which include an individual's request for her/his own passport records or the passport records of her/his minor child or an incompetent person as to whom she/he has been appointed as a legal guardian, or the passport records of someone who has authorized her/him, in writing, to obtain on her/his behalf, should be submitted to CA/PPT/S/L/LE. These are Privacy Act requests. The requester must submit:
  - (a) A notarized written request, stating the full name, current address, and date and place of birth of the subject (per 22 CFR 171.32(b)); and
  - (b) The notarized letter should must be accompanied by a copy of a valid government-issued photo identification, such as a driver's license or other acceptable identification document(s) (see 7 FAM 1320, "Identity

**UNCLASSIFIED (U)**

U.S. Department of State Foreign Affairs Manual Volume 9  
Visas

of the Passport Applicant”); or

(c) Evidence of parental relationship or guardianship, if the records are being requested on the basis of such a relationship.

(2) All requests for passport records of a third party will be processed under the Freedom of Information Act (FOIA) and should be directed to CA/PPT/S/L/LE. Court orders should be submitted to the Executive Office of the Office of the Legal Advisor (L/EX).

b. Court Orders and Subpoenas; Requests Related to Litigation: 22 CFR 172 contains the Department's regulations governing the service of process and the production of official documents, information, or testimony in response to court orders, subpoenas or similar requests or demands in connection with litigation.

(1) Service of Summons and Complaints Exclusively on L/EX: A summons and complaint constitute formal notice to the party being served that a lawsuit against that party has been filed. Only the Executive Office of the Legal Adviser (L/EX) is authorized to receive and accept summons and complaints sought to be served upon the Department or its employees in their official capacities (22 CFR 172.2). Refer all process servers to 22 CFR 172.2 and to L/EX.

U.S. Department of State Executive Office, Office of the Legal Adviser (L/EX) 2201 C Street N.W. Washington, D.C. 20520-6310
---

(2) Receipt of Subpoenas:

(a) Subpoenas for the Testimony of a CA/PPT employee in a criminal matter, e.g., a passport fraud: Subpoenas for the testimony of a CA/PPT employee in a passport fraud or related prosecution being handled by an Assistant U.S. Attorney must be referred to CA/PPT/S/L/LA immediately on receipt by a passport agency/center (22 CFR 172.4(b)). CA/PPT/S/L/LA, in consultation with the passport agency management, the Assistant U.S. Attorney, and the Legal Adviser's office (as appropriate), will determine how CA/PPT will respond to the subpoena.

(b) Subpoenas and Court Orders for Passport Documents: Service of subpoenas and court orders for passport documents may be received by CA/PPT/S/L/LE or L/EX in cases in which the Department is represented by legal counsel (22 CFR 172.3(a)).

(c) Other Subpoenas, Court Orders, and Requests for Documents: Service of subpoenas or court orders for any other purpose and all other requests for documents, information, or witnesses may only be made on the Executive Office, Office of the Legal Adviser (L/EX). (See 2 FAM 500 Legal Affairs.)

**UNCLASSIFIED (U)**

U.S. Department of State Foreign Affairs Manual Volume 9  
Visas

U.S. Department of State Executive Office, Office of the Legal Adviser (L/EX) 2201 C Street N.W. Washington, D.C. 20520-6310
--

(3) Responding to Court Orders and Subpoenas in Accordance with the PA.

- (a) Court Orders: Section (b)(11) of the PA permits the release of information from passport files "pursuant to the order of a court of competent jurisdiction." Although section (e)(8) of the PA requires that "reasonable efforts" be made to notify the subject of the file when information is released under compulsory legal process, that requirement only applies "when such process becomes a matter of public record." Therefore, there is no notification obligation when information is produced under seal or subject to a protective order.

<b>NOTE:</b> Subpoenas initiated by private persons in civil cases and signed by a clerk of court are not considered court orders under the PA and thus, are not acceptable under Section (b)(11) of the Act.
---

- (b) Subpoenas: The Department of State Prefatory Statement of Routine Uses permits disclosure of PA-protected records to any court of competent jurisdiction "when necessary for the litigation and adjudication of a case involving an individual who is the subject of the Departmental Record." Disclosure of PA-protected records in response to a subpoena issued on behalf of a government law enforcement agency may be permissible under either Section (b)(3) of the Act as "a routine use," or Section (b)(7), pertaining to law enforcement requests.

c. Requests for Certificates of Loss of Nationality (CLN) or Other Citizenship Status:

- (1) The Department's policy is to refuse to confirm or deny the citizenship status of a person to a third party, other than an agency as allowed by the PA. Requests for CLNs received by passport agencies/centers, whether from the individual or a third party, must be referred to CA/PPT/S/L/LE.
- (2) In accordance with 7 FAM 1240, "Interagency Coordination and Reporting Requirements," CA/OCS/L distributes copies of approved CLNs to appropriate federal agencies (DHS, FBI, IRS; and Secret Service as appropriate) as required by law at the time the loss of nationality is approved.

<b>NOTE:</b> Requests from attorneys on behalf of persons requesting an administrative review of his/her loss of nationality should be referred to CA/OCS/L (Ask-OCS-L@state.gov). See 7 FAM 1230, "Administrative Review and Appeal of Loss-of-Nationality Findings."
--

**UNCLASSIFIED (U)**

U.S. Department of State Foreign Affairs Manual Volume 9

Visas

- d. CA/PPT/S/L/LE generally is the reviewing office for all requests for passport records except when the request concerns the issuance of consular vital records, such as CRBAs, Consular Reports of the Death of a U.S. Citizen Abroad, Panama Canal Zone birth and death documents, and certified copies of Certificates of Witness to Marriage which are reviewed and issued by officers in CA/PPT/S/TO/RS/DO/VR.
- e. Individuals requesting a consular vital record, such as a replacement CRBAs, may write directly to CA/PPT/S/TO/RS/DO/VR. See 7 FAM 1440, "Consular Report of Birth of a Citizen/Non-Citizen National of the United States," for additional information. If an individual is requesting the supporting documents attached to a CRBA, she/he must write directly to CA/PPT/S/L/LE.
- f. Requests for Certified Copies of Passport and Citizenship Records: Under the authority of 28 U.S.C., appendix, Federal Rules of Evidence 902(4), a certified copy of a passport or citizenship record is admissible as evidence. The Assistant Secretary for Consular Affairs has been delegated the authority (Delegation of Authority, number 143 dated October 30, 1981) to certify passport and citizenship files under the Seal of the Department and in the name of the Secretary of State or the Acting Secretary of State. This authority has been re-delegated to officers in CA/PPT/S/TO/RS/DO/VR. Requests for certified copies of passport records should be forwarded to CA/PPT/S/L/LE.
- g. Requests for the Release of Original Records
  - (1) Once executed, a passport application is an official CA/PPT record. An applicant is not entitled to the return of an original, executed passport application, or any accompanying documents that you determine should be retained, such as affidavits or altered/mutilated documents.
  - (2) Original passport files will normally be released only when needed by a law enforcement agency for forensic analysis. In other cases where an original file is requested, a certified copy will be provided instead.
  - (3) Originals may not be used for forensic purposes unless prior written consent is obtained by CA/PPT/S/L/LE and the record has been preserved in ACRQ. Requests for issued passport applications that are still located at a passport agency/center or post and are not yet available in ACRQ must be approved by CA/PPT/S/L/LE before release. Scanning of the application in PRISM can occur at the passport agency/center or at CA/PPT/S/TO/RS.
  - (4) CA/PPT/S/L/LE will coordinate any release of the original passport record, or a copy of the passport records, with the passport agency/center or post.
- h. Telephone Requests for Information:
  - (1) As a general rule, telephone requests for passport records information are not granted. A caller should be instructed to submit his or her request for passport information in writing.
  - (2) Exceptions to this general rule are:



**UNCLASSIFIED (U)**

U.S. Department of State Foreign Affairs Manual Volume 9

Visas

- (a) When a caller is requesting the status of his or her own pending application (for example, "When will my passport be ready?" or "Was it mailed?").
- (b) When a passport acceptance agent or congressional office is calling on behalf of an applicant seeking status information about the applicant's pending application.
- (c) Questions from general public or law enforcement regarding issued passport numbers may be referred to CA/PPT/S/L/LE. Except for those pertaining to deceased individuals, passport numbers are protected under the PA. Members of the general public must submit a written request. No information will be provided by telephone, fax, or e-mail.
- (d) Before answering any questions on the telephone, the appropriately authorized Department employee must ask the requester to identify himself/herself by name and date and place of birth. If there are any doubts about the requester's identity, the employee must ask for the requester's telephone number and tell him or her that the call will be returned. This will allow time to consult with a supervisor and verify the facts given by the requester.
- (e) When an individual appears in person and requests information (other than the basic status information listed above), the employee must advise him/her that the request must be made in writing, and that the files must be reviewed before any information can be provided.
- (f) Individuals seeking access to passport records pursuant to the FOIA and/or the PA should be referred to the Department's FOIA Hotline (202-261-8484) and/or the Department's Internet FOIA webpage.
- i. Accounting of Disclosures: For records protected by the PA (including passport files and other records that are retrieved by personally identifiable information), section (c) of the PA requires an accurate accounting of the date, nature, and purpose of each disclosure of a record to any person or to another agency, as well as of the name and address of the person or agency to whom the disclosure is made must be kept.
  - (1) This accounting must be retained for at least five years from the disclosure or for the life of the record, whichever is longer.
  - (2) Accounting is not required for any disclosures made on a need-to-know basis within the Department or for disclosures made pursuant to a Freedom of Information or PA request.
- j. Accuracy of Disclosures: Prior to disclosure of any PA records, a reasonable effort to assure that such records are accurate, complete, timely, and relevant must be made.

## **7 FAM 1350 APPENDIX J TYPES OF REQUESTS/REQUESTERS**

*(CT:CON-518; 06-06-2014)*

Requests for copies of passport files or consular vital records may come in many different forms. Except as detailed in 7 FAM 1340 Appendix J, refer all requests for copies of passport files to CA/PPT/S/L/LE (regardless of the current location of the file). Such requests (or requesters) may include, but are not limited to, the below.

### **7 FAM 1351 Appendix J First Party Request (The Subject of the Record)**

*(CT:CON-518; 06-06-2014)*

- a. For first-party access requests release of requested non-exempt information is required (see Obtain Copies of Passport Records).
- b. The PA governs the records of living U.S. citizens and aliens lawfully admitted for permanent residence. (A request from a person who has lost U.S. citizenship and is not a permanent resident alien cannot be considered a PA request.)
- c. A first-party request must contain the information required by 22 CFR 171.32, including the requester's full name, current address, and date and place of birth. The request must be signed, and the requester's signature must be notarized.
- d. The reviewing officer must review each first-party request under the PA and FOIA to determine whether any record can be withheld. Disclosures in response to first-party requests must include all requested records unless subject to both a PA exemption listed in 7 FAM 1300 Appendix J Exhibit 1 (see 22 CFR 171.36), and a FOIA exemption, as set forth in 7 FAM 1300 Appendix J Exhibit 2.
- e. The reviewing officer in CA/PPT/S/L/LE (or in CA/PPT/S/TO/RS/RP/VR for consular vital records) must follow the restrictions and directives of the Office of the Legal Adviser (L), the Department of Justice, and the Office of Management and Budget (OMB) in applying the PA and FOIA exemptions.

### **7 FAM 1352 Appendix J Representatives of the Individual**

*(CT:CON-518; 06-06-2014)*

- a. As a general rule, passport records are not disclosed to third-party requesters without written authorization from the individual to whom the records pertain.

**UNCLASSIFIED (U)**

U.S. Department of State Foreign Affairs Manual Volume 9  
Visas

The PA allows for certain third-party requesters acting as agents for an individual to obtain that individual's PA records.

- b. The PA provides that knowingly or willingly seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to \$5,000 (5 U.S.C. 552a(i)(3)).
- c. A parent or guardian of a minor child: Passport agencies/centers and posts must forward the requests below to CA/PPT/S/L/LE.
  - (1) A parent or guardian of a minor child may, upon proper documentation of the relationship, obtain information from the child's file.

**NOTE:** Department regulations at 22 CFR 171.32 define a minor as an unmarried person under the age of 18 for PA purposes.

- (2) A parent or guardian may be denied access if there is affirmative evidence establishing a loss of parental rights, i.e., a court order.
  - (3) Release of the minor's record may be restricted, i.e., a redacted record provided, if a protection order against the requesting parent was submitted with the application.
  - (4) If a minor (of sufficient age and maturity) or other parent has asked that information not be disclosed, CA/PPT/S/L/LE must coordinate with CA/PPT/S/L/LA who will confer with L/CA and other appropriate legal office(s).
- d. The legal guardian of an incompetent individual may receive information from the individual's file upon submission of a court order naming him or her legal guardian and declaring the individual incompetent.
- e. An attorney or other authorized designee:
  - (1) An attorney or other authorized designee may, pursuant to written notarized consent by the individual to whom the record pertains, receive a client's records.
  - (2) The written consent must specify the information that is to be disclosed.
- f. Members of Congress:
  - (1) A Member of Congress seeking information about an individual for constituent services purposes generally must submit a written authorization from the file subject regarding information that may be released to the Member of Congress.
  - (2) Alternatively, if the Member of Congress forwards a copy of a letter from the constituent expressly asking for assistance in obtaining records that are PA protected, that letter can be taken as implicitly providing consent to release the documents to the Member, absent indications that the constituent intended otherwise.
  - (3) In either such case, Members of Congress are only entitled to the

**UNCLASSIFIED (U)**

information that would also be released directly to the file subject.

- (4) Congressional requests and accompanying constituent letters need not be notarized as long as the constituent's identity can be readily verified from the signature or other data in the requesting letter. If the constituent's identity cannot be verified, the Member of Congress should be asked to submit a statement from the constituent asserting his or her identity, and stipulating that the individual understands that knowingly or willingly seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to \$5,000 (5 U.S.C. 552a(i)(3)).
- (5) A congressional office calling on behalf of a constituent seeking status information about the applicant's pending passport application does not need to provide written authorization from the constituent. In such a circumstance, personally identifiable information about the applicant is not released to the congressional office. CA/PPT simply confirms whether or not a passport has been or will be issued. In all cases of requests from Congress, you must be satisfied that the request comes from a bona fide staff member of a Congressional office before releasing any information.
- (6) All other types of Congressional inquiries requesting passport records must be referred to CA/PPT/S/L/LE.
- g. Federal/Military Acceptance Agents: Federal/Military Acceptance Agents may be given information about the status of the passport application, expected processing times, and any information contained in an Information Request Letter (IRL) or Information Notice (IN) (see 7 FAM 1300 Appendix T, "IRLs and INs") as a routine use under the 2014 update to the System of Records Notice State-26 and memoranda of understanding with the entitled entities.
- h. Visa couriers or messengers: Registered visa couriers or messengers may, pursuant to written consent by the individual to whom the record pertains, be given information about the status of a passport application on submission of a letter signed by the applicant authorizing that party to handle the application.

<p><b>NOTE:</b> If the signatures on the authorization letter and the application are not the same, the authorization letter should be rejected and a new letter requested.</p>
---

## **7 FAM 1353 Appendix J Requests from Other Areas of the Department Of State**

*(CT:CON-518; 06-06-2014)*

- a. Passport agencies/centers or overseas posts must direct first-party requests for passport files to CA/PPT/S/L/LE. Third-party (FOIA) requests should be directed to A/GIS/IPS in accordance with 22 CFR 171.
- b. The Office of Overseas Citizen Services (CA/OCS)

**UNCLASSIFIED (U)**

U.S. Department of State Foreign Affairs Manual Volume 9  
Visas

- (1) CA/OCS provides guidance to overseas posts and advises them on the adjudication of complex citizenship cases and custody situations as part of its duties.
  - (2) In discharge of these duties, CA/OCS has full access to CA/PPT records through PIERS or ACRQ. However, in an emergency, CA/OCS may contact a passport agency/center or overseas post directly to obtain information from a passport file in accordance with 5 USC 552(b)(1).
  - (3) CA/OCS directs inquiries from the general public, Congressional offices or other third parties to CA/PPT/S/L/LE or A/GIS/IPS, as appropriate, for action.
- c. The Office of Consular Fraud Prevention Programs (CA/FPP)
- (1) CA/FPP reviews potentially fraudulent passport applications as part of its official duties. In discharge of these duties, CA/FPP has full access to CA/PPT records.
  - (2) When CA/FPP requests assistance from another government agency to perform a review as part of its official duties, CA/FPP may release relevant files to that agency to the extent authorized by the PA and SORN State-26.
  - (3) CA/FPP obtains all written documentation required for the release of such files (7 FAM 1300 Appendix J Exhibit 3).
- d. The Bureau of Diplomatic Security (DS)
- (1) DS may obtain information on an individual if the information is to be used in the discharge of DS's responsibilities.
    - (a) In discharge of its duties, DS has full access to PIERS, ACRQ, and ECAS.
    - (b) The DS Referral form in ECAS is acceptable in lieu of a Record of Release (see 7 FAM 1300 Appendix J Exhibit 3).
  - (2) DS may occasionally be asked to obtain files for other law enforcement agencies for such agencies' own law enforcement activities.
  - (3) In PA Section (b)(7) cases or "routine use" disclosures under Section (b)(3) where there is a written request for information from another agency, the DS agent in receipt of the request must submit a written request from the other agency to CA/PPT/S/L/LE.
    - (a) The request must be signed by the head of the agency, or an official to whom the head of agency has delegated the authority to make requests under Section (b)(7) of the PA.
    - (b) The request must specify the portion of the record desired, the law enforcement activity for which the record is sought, and the section(s) of law pursuant to which the request is being made.
    - (c) In the case of PA "routine use" disclosures under Section (b)(3), the

**UNCLASSIFIED (U)**

U.S. Department of State Foreign Affairs Manual Volume 9  
Visas

DS agent must provide a written request from the recipient agency for the portion of the record desired, the purpose for which the record is sought, and the section(s) of law pursuant to which the request is being made.

- (d) The DS agent in receipt of the request must complete a Record of Release of Information (7 FAM 1300 Appendix J Exhibit 3) once the record is released. The completed Record of Release form must be scanned and e-mailed to PPTRecordReleaseNotice@state.gov. CA/PPT/S/L/LE will update ACRQ to reflect the release of information.
- (e) Photocopies or system generated copies of PIERS or ACRQ records should be provided instead of original files. If an original passport record is needed for forensic analysis, coordinate with CA/PPT/S/L/LE.

e. The Office of the Inspector General (OIG)

- (1) The OIG may obtain information on an individual if the information is to be used in the discharge of the OIG's responsibilities. In the discharge of its duties, the OIG has full access to PIERS or ACRQ.
- (2) The OIG may be asked to obtain files for other law enforcement agencies for such agencies' own law enforcement activities. Information shall be released to other law enforcement agencies if the requirements of Section (b)(7) of the PA are met, or if the disclosure is permissible under Section (b)(3) in accordance with a published PA "routine use."
- (3) In such cases, the OIG agent must submit a written request from the other agency and coordinate with CA/PPT/S/L/LE.
  - (a) The request must be signed by the head of the agency, or an official to whom the head of agency has delegated the authority to make requests under Section (b)(7) of the PA.
  - (b) The request must specify the portion of the record desired, the law enforcement activity for which the record is sought, and the section(s) of law pursuant to which the request is being made.
  - (c) In the case of PA "routine use" disclosures under Section (b)(3), the OIG must provide a written request from the recipient agency for the portion of the record desired, the purpose for which the record is sought, and the section(s) of law pursuant to which the request is being made.
  - (d) The OIG agent must complete a Record of Release of Information (7 FAM 1300 Appendix J Exhibit 3) once the record is released. A copy must be faxed to CA/PPT/S/L/LE and the original attached to the record.
  - (e) Photocopies or ACRQ copies should be provided instead of original files. If an original passport record is needed for forensic analysis, coordinate with CA/PPT/S/L/LE.

## **7 FAM 1354 Appendix J Law Enforcement Agencies**

*(CT:CON-518; 06-06-2014)*

Requests from law enforcement agencies must be referred directly to CA/PPT/S/L/LE.

- (1) Information from an individual's file may be released in accordance with Sections (b)(3) or (b)(7) of the PA, to a local, state, or federal law enforcement agency, in accordance with the PA if the request is made pursuant to that agency's statutory functions.
- (2) The request must be received in writing and signed by the head of the agency, or an official to whom the head of agency has delegated the authority to make requests under Section (b)(7) of the PA.
- (3) Information may be released to law enforcement agencies if the disclosure is permissible under Section (b)(3) in accordance with the applicable SORN or the Department Prefatory Statement of Routine Uses.
- (4) The request must specify the portion of the record desired, the law enforcement activity for which the record is sought, and the section(s) of the law pursuant to which the request is made.

<b>NOTE:</b> Direct access to CLASS is limited to Department of State employees only.
---

## **7 FAM 1355 Appendix J Other Government Agencies (Federal, State, Local, or Foreign)**

*(CT:CON-518; 06-06-2014)*

- a. Other than requests made pursuant to an existing and applicable Memorandum of Understanding (MOU) or equivalent agreement, requests from other government agencies (federal, state, local, or foreign--including intergovernmental organizations) must be referred directly to CA/PPT/S/L/LE. CA/PPT/S/L/LE will determine whether the records requested fall within an exception to the PA, and whether they may be released. If practicable, CA/PPT/S/L/LE will coordinate the response through the requesting agency's accredited liaison representative.
- b. Requests made pursuant to an existing MOU or equivalent agreement should be handled in accordance with the provisions of that MOU or agreement.
- c. The request must be in accordance with either Section (b)(3) or (b)(7) of the PA.
- d. The request must specify the portion of the record desired, the purpose or law enforcement activity for which the record is sought, and the section(s) of the law pursuant to which the request is made.
- e. If access is approved, the reviewing officer must complete a review sheet that

**UNCLASSIFIED (U)**

must be attached to the file.

## **7 FAM 1356 Appendix J Other Third Party Requests**

*(CT:CON-518; 06-06-2014)*

- a. If an individual's record or other non-public CA/PPT file is requested by someone other than the file subject, the minor subject's parents, the subject's representative/guardian, or a government entity (such as a law enforcement agency, or a court), disclosure is generally not authorized unless the request is processed under the FOIA.
- b. Anyone, whether a citizen, alien, corporation or other non-governmental organization, or foreign government, etc., may make a FOIA request. Refer all requests for passport information under the FOIA, including requests for information not related to a specific individual, to CA/PPT/S/L/LE.
- c. Persons needing information about the procedures for filing a FOIA request should be directed to the Department's Internet FOIA page or A/GIS/IPS/RL:

U.S. Department of State, Office of Information Programs and Services -  
A/GIS/IPS/RL  
515 22nd Street N.W., SA-2,  
Washington, D.C. 20522-8100

- d. As a general rule, and consistent with the FOIA's personal privacy exemption, 5 U.S.C. 552(b)(6), the Department will not disclose an individual's passport records to third parties in response to requests made under the FOIA without the written consent of the individual to whom the passport records pertain.
- e. Information may be released from the file of a deceased person provided that any information that also concerns a living person that is exempt from release under the FOIA is excised. Such a request must be accompanied by proof of death such as a copy of the death certificate (see 7 FAM 1300 Appendix L, "Death of Passport Applicants/Bearers" for further procedures).
- f. Health or Safety Issues:
  - (1) Section (b)(8) of the PA permits disclosure of records pursuant to "a showing of compelling circumstances affecting the health or safety of an individual."
  - (2) Ordinarily, evidence of imminent danger to the file subject must be demonstrated to the reviewing officer in CA/PPT/S/L/LE.

**NOTE:** If a request to release information is received in Task Force situation, the Task Force must determine, on a case-by-case basis, whether the exception provided above is applicable.

- (3) If the reviewing officer in CA/PPT/S/L/LE is not satisfied with the evidence submitted, or the alleged danger pertains to someone other than the file subject, the issue must be referred to CA/PPT/S/L/LA.



**UNCLASSIFIED (U)**

U.S. Department of State Foreign Affairs Manual Volume 9

Visas

- (4) The subject of the file must be notified of such release in writing to the last known address in the file.
- (5) If the requester describes extraordinary circumstances requiring contact with a specific passport bearer, CA/PPT or CA/OCS may try to forward the request to the most recent address shown in our records.

## **7 FAM 1357 Appendix J Fourth Party Information**

*(CT:CON-518; 06-06-2014)*

- a. When a third party requests material or information about a deceased individual, information in the file which pertains to a fourth party (that is, someone other than the subject or the requester), the request should be processed under the FOIA's personal privacy exemption, 5 U.S.C. 552(b)(6), unless the information was provided directly by the fourth party (for example, affidavits, statements, or correspondence on behalf of the applicant). Deceased persons have no PA rights.
- b. Only the Executor or Administrator of the file subject's estate may obtain a copy of the file including information about a fourth party which was included in the file by the subject or by CA personnel during the adjudication process (for example, the person to call in case of an emergency).

## **7 FAM 1358 APPENDIX J THROUGH 1359 APPENDIX J UNASSIGNED**

## **7 FAM 1360 APPENDIX J REQUESTS FOR CONSULAR VITAL RECORDS, PANAMA CANAL ZONE BIRTH AND DEATH DOCUMENTS, AND CERTIFICATES OF WITNESS TO MARRIAGE**

*(CT:CON-518; 06-06-2014)*

- a. Forms FS-240 (CRBAs):
  - (1) CA/PPT/S/TO/RS/RP/VR will process first-party and representative requests for replacement CRBAs (see 7 FAM 1351 Appendix J and 7 FAM 1352 Appendix J).

See: Replace or Amend a Consular Report of Birth Abroad
  - (2) CA/PPT/S/TO/RS/DO/VR will release the CRBA of a minor child to a parent if:
    - (a) There is no evidence that the requesting parent has lost parental

**UNCLASSIFIED (U)**

U.S. Department of State Foreign Affairs Manual Volume 9  
Visas

rights; and

(b) The parent is listed on the CRBA; or

(c) She/he presents evidence of parental rights.

(3) Every request for a CRBA is cleared through the Consular Lookout and Support System (CLASS). If a child custody hold occurs, CA/PPT/S/TO/RS/DO/VR will notify CA/OCS/CI of the issuance of a vital record to the requesting parent. Because issuance of the Form FS-240 cannot be denied to a parent of a minor child, regardless of custody arrangements, pre-approval from CA/OC/CI is not required.

(4) If the subject of the CRBA is no longer a U.S. citizen, CA/PPT/S/TO/RS/DO/VR may release information from the file in consultation with CA/PPT/S/L/LE. However, a replacement CRBA cannot be issued.

b. Form DS-2029 (and supporting documentation): if the Form DS-2029 is requested, CA/PPT/S/TO/RS/DO/VR will refer the request to CA/PPT/S/L/LE for appropriate handling and response.

c. Form DS-2060:

(1) CA/PPT/S/TO/RS/DO/VR will release information from Form DS-2060 to a third party after making any excisions needed to protect the privacy rights of other persons identified on the report of death.

See: Copy of a Report of Death of an American Citizen Abroad

(2) An executor or administrator of a deceased person's estate may receive an unexcised copy of the Form DS-2060 on presentation of a signed copy of Letters Testamentary or Letters of Administration. Letters Testamentary are documents issued by a probate court or officer informing an executor of a will of his or her appointment. Letters of Administration are documents issued by a probate court or officer to a qualified individual when a person has died without leaving a will.

d. Panama Canal Zone Birth and Death Documents

(1) CA/PPT/S/TO/RS/DO/VR will process first-party and representatives requests for Panama Canal Zone birth and death documents (see 7 FAM 1351 Appendix J and 7 FAM 1352 Appendix J).

(2) CA/PPT/S/TO/RS/DO/VR will refer all other requests to CA/PPT/S/L/LE for appropriate handling and response.

See: Copy of Panama Canal Birth or Death Certificate

e. Certificate of Witness to Marriage

(1) CA/PPT/S/TO/RS/DO/VR will process a request for a certified copy of a Certificate of Witness to Marriage to a first party requester (see 7 FAM 1351 Appendix J).

**UNCLASSIFIED (U)**

U.S. Department of State Foreign Affairs Manual Volume 9  
Visas

- (2) CA/PPT/S/TO/RS/DO/VR will refer all other requests for a Certificate of Witness to Marriage to CA/PPT/S/L/LE for appropriate handling and response.

See: Copy of a Certificate of Witness to Marriage (Abroad)
--

## **7 FAM 1370 APPENDIX J ACCESS TO PASSPORT SERVICES FILES AND RECORDS**

*(CT:CON-518; 06-06-2014)*

- a. Offices and Agencies outside CA/PPT: Direct access to ACRQ may be granted in exceptional circumstances to representatives of offices and agencies outside CA/PPT, subject to the PA, and as directed by the Deputy Assistant Secretary for CA/PPT. Such access is considered temporary; representatives will operate under orders of a Memorandum of Understanding (MOU) or under orders from the Deputy Assistant Secretary, Passport Services (CA/PPT), or the Managing Directors of Issuance Operations (CA/PPT/I) or Support Operations (CA/PPT/S).
- b. CA/PPT Personnel: Access to the file repositories will be limited to the personnel responsible for the custody and maintenance of the files. CA/PPT/S/TO will maintain a current list of CA/PPT employees outside of CA/PPT/S/TO who are authorized access to the repositories to perform their official duties. The list should consist of the following employees. Address any changes to these lists to the Director of CA/PPT/S/TO:
  - (1) Authorized searchers from:
    - (a) The Law Enforcement Liaison Division (CA/PPT/S/L/LE);
    - (b) Records Services Division's Document Management Branch, Vital Records Section (CA/PPT/S/TO/RS/DO/VR); and
    - (c) The Record Services Division's Document Management Branch, Manual Records Section (CA/PPT/S/TO/DO/MR).
  - (2) Duty Officer Searchers, when on duty.
- c. Classified Files: Access to the Classified Files area will be limited to the personnel responsible for custody and maintenance of those files. Access by any other employee or individual will require the approval of the Deputy Assistant Secretary for CA/PPT or the Managing Director, Support Operations (CA/PPT/S).
- d. Temporary Direct Access: Office Directors conducting studies or special projects requiring access to the manual or automated files should request authorization by memorandum to the Director, Office of Technical Operations (CA/PPT/S/TO), stating the reason for the project, the names of personnel to have access, and approximate starting and finishing dates. Requests by law enforcement agencies for access to multiple non-name-retrievable records must

**UNCLASSIFIED (U)**

U.S. Department of State Foreign Affairs Manual Volume 9  
Visas

be referred to the Legal Affairs Division, CA/PPT/S/L/LA.

## **7 FAM 1380 APPENDIX J THROUGH 1390 APPENDIX J UNASSIGNED**

### **7 FAM 1300 Appendix J Exhibit 1 Summary of PA Exemptions**

*(CT:CON-518; 06-06-2014)*

Exemptions to Release: An individual has the right to see her or his entire file. However, the following exemptions taken by SORN-26 may require withholding certain information from the individual. In some cases, these exemptions may not be invoked unless the Department has published in 22 CFR 171.36 that the exemption can be applied to the system of records containing the material at issue.

- (1) Records properly classified pursuant to Executive Order in the interest of national defense or foreign policy (PA Section (k)(1));
- (2) Investigatory material compiled for law enforcement purposes. However, if the individual is denied a right, privilege, or benefit he or she would otherwise be entitled to, such material shall be given to the individual, except to the extent that disclosure would reveal the identity of a source who gave information to the Government with the promise of confidentiality (PA Section (k)(2));
- (3) Maintained in connection with providing protective services to the President of the United States or other individuals pursuant 18 USC 3056 (PA Section (k)(3)); and
- (4) Information compiled in reasonable anticipation of a civil action or proceeding (PA Section (d)(5)).

### **7 FAM 1300 Appendix J Exhibit 2 Summary of Freedom of Information Act Exemptions**

*(CT:CON-518; 06-06-2014)*

The Freedom of Information Act (FOIA), 5 U.S.C. 552, generally permits the following types of information to be withheld:

- (1) Information currently and properly classified under Executive Order 13526 (or its predecessor or successor orders) in the interest of national defense

**UNCLASSIFIED (U)**

U.S. Department of State Foreign Affairs Manual Volume 9  
Visas

or foreign relations (FOIA Section (b)(1));

- (2) Information relating solely to internal personnel rules and practices of an agency (FOIA Section (b)(2));
- (3) Information specifically exempted from disclosure by a qualifying statute (FOIA Section (b)(3));
- (4) Trade secrets and commercial or financial information obtained on a privileged or confidential basis (FOIA Section (b)(4));
- (5) Interagency or intra-agency material that would be privileged in litigation, including information protected by the deliberative process attorney-client privileges and attorney work product privilege (FOIA Section (b)(5));
- (6) Material the disclosure of which would constitute a clearly unwarranted invasion of personal privacy (FOIA Section (b)(6));
- (7) Records or information compiled for law enforcement purposes, but only to the extent release of such information:
  - (a) Could reasonably be expected to interfere with enforcement proceedings;
  - (b) Would deprive a person of a fair trial or impartial adjudication;
  - (c) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;
  - (d) Could reasonably be expected to disclose the identity of confidential source(s) and the information revealed by such source(s) when obtained in the course of criminal or national security intelligence investigation(s);
  - (e) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or
  - (f) Could reasonably be expected to endanger the safety of any individual(s) (FOIA Section (b)(7)).

**7 FAM 1300 Appendix J Exhibit 3**  
**DEPARTMENT OF STATE PASSPORT SERVICES**  
**RECORD OF RELEASE OF INFORMATION**

*( CT:CON-529; 09-16-2014)*

SCAN THE COMPLETED FORM TO RECORDSRELEASEFORMS@STATE.GOV OR FAX A COPY OF THIS FORM AND RELEASED INFORMATION IMMEDIATELY TO THE LAW ENFORCEMENT LIAISON DIVISION (202-485-6555). FORWARD THE ORIGINAL

**UNCLASSIFIED (U)**

U.S. Department of State Foreign Affairs Manual Volume 9  
Visas

SIGNED FORM TO THE LAW ENFORCEMENT LIAISON DIVISION (see address in 7 FAM 1320 Appendix J).

**RECORD OF RELEASE OF INFORMATION**

Passport Information Released on following subject:

SUBJECT: \_\_\_\_\_

Date/Place of Birth: \_\_\_\_\_

Type of record released: ☐ Passport - PPT# \_\_\_\_\_

☐ Other - \_\_\_\_\_

Record(s) released to:

Name and Title of Receiver of Record: \_\_\_\_\_

Name of Agency: \_\_\_\_\_

Reason for Release:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Record(s) released by: \_\_\_\_\_

Date Released: \_\_\_\_\_

Law Enforcement Activity: ☐ Criminal ☐ Civil

Statute Governing Release: \_\_\_\_\_ (MUST PROVIDE)

STATUTORY AUTHORITY: As a duly accredited representative of the requesting agency name above, I hereby certify, by my signature, that the review of this title is on behalf of the agency I represent, and is for official United States Government use only. All information abstracted or obtained will be handled in accordance with its classification and with the Privacy Act of 1974 (5 USC 552a). I further understand that no papers are to be taken from the file without notification, authorization and consent of the Passport Services Directorate.